

BOARD OF SELECTMEN
SEPTEMBER 24, 2014
REGULAR SESSION

Members Present: David Parker, Nelson Almeida, David Andrade,
Michael Brady, Gary Sagar

Town Administrator: Shawn E. Cadime

Finance Director/Asst. Town Administrator Bruce Alexander was in attendance until Mr. Cadime arrived.

Atty. Joseph Fair of Kopelman & Paige was also in attendance.

Chairman Parker opened the meeting at 6 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, in accordance with M.G.L. Chapter 30, Section 20, anybody recording the meeting must notify the Chairman. The Board of Selectmen is recording the meeting both audio and video.

BOARDS AND COMMITTEES OPENINGS UPDATE

Mr. Andrade advised that volunteers are needed on the Capital Improvement Committee, Conservation Commission, Cultural Council, Economic Development Committee, Energy Committee, Finance Committee, Property Tax Work Off Committee, and Zoning Board of Appeals. Talent Bank forms are available in the Town Administrator/Board of Selectmen's office.

PRIORITY MATTERS

Appointment/Swearing In of Officer Richard Pacheco

Chief Mace thanked Mr. Parker, Mr. Almeida, Chief Healy, Mr. Lamoureux and others who were at the stop when the 911 Memorial Bike Ride came through Seekonk on Thursday, September 11, 2014. The organizers were impressed with the support from people in town.

Chief Mace introduced and respectfully requested the appointment of Richard Pacheco as a full time police officer in the Town of Seekonk.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To appoint Richard Pacheco as full time police officer.

Officer Pacheco was sworn in by Town Clerk Janet Parker. His badge was pinned by his girlfriend.

Mrs. Parker noted that the oath is lengthy, but it is required by Chief Mace.

Consider Approval for Chief Mace to Offer Conditional Offers of Employment to James Nelson and Benjamin Mello

Chief Mace noted interviews were held in July and a hiring list established. This is in anticipation of a pending retirement and a new budgeted position starting on January 1, 2015. The plan is to get these two individuals registered for the police academy in January. The Chief noted that Mr. Cadime participated in the interview process.

Chief Mace respectfully requested authorization to offer conditional employment to James Nelson.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To extend a conditional offer of employment to James Nelson as police officer.

Chief Mace respectfully requested authorization to offer conditional employment to Benjamin Mello.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOT ED: To extend a conditional offer of employment to Benjamin Mello as police officer.

Mr. Sagar said he had previously asked the Chief if he would entertain starting a school for special police officers. A lot of people in town are interested in law enforcement.

Chief Mace said the hiring policy for full time officers would probably have to be replicated to address part time officers. He would prefer to see the Town pay for the physical and psychological testing. It is over 200 hours to attend the reserve academy. It is offered locally in Swansea.

Mr. Sagar asked when the last time was a Seekonk resident was hired.

Chief Mace said 225 individuals were recently interviewed. They looked at candidates that had residency but did not score as high as others.

Consider Acceptance of \$1,000 Community Relations Grant for the Fire Department from ExxonMobil

Chief Healy explained that Chief Jack had applied for this grant.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOT ED: To accept the \$1,000 community relations grant from Exxon Mobil for the Fire Department.

OLD BUSINESS

Continued Discussion with Assessors, Board of Health, Conservation Commission and Planning Board on Revision to Town Charter Article 4, Section 2 and Article 6, Section 6

Mr. Cadime advised that he received the update from Atty. Fair and forwarded to all board members.

Atty. Joseph Fair said he tried to capture the concept discussed at the last meeting with representatives from the different boards. This draft reflects the changes. He worked off Option 1, Section 6b, Subsection ii.

He added language that candidates would be initially screened by the Town Administrator in conjunction with at least one member of the boards which the recommendation is to be made. Another change is in Section C dealing with the three-year term of appointment. It says when it comes time for reappointment the Town Administrator would consider a review of performance evaluation. Finally, in Section D – it is designed to address the question as to what exactly does the Town Administrator do on day to day activities. The existing language already states that the Town Administrator is not to supervise unless the elected or appointed board has delegated that authority to the Town Administrator. In the absence of that elected or appointed board, the Town Administrator would refer all issues back to the elected or appointed board.

Mr. Richard Wallace said the language added addresses a lot of issues that the Conservation Commission had. If they go with the three-year reappointment, only two officers and department heads are not defined in the charter. The Conservation Agent has no problem with the three-year appointment as long as it keeps personalities out of it and it is done on merit and performance. It can be done by the Town Administrator or Board of Selectmen.

Mr. Wallace would like Section 7 to say reappointment by merit.

Mr. Robert Costa said there is no mention in Section C of grandfathering current employees. Also, the Board of Health would like to evaluate in the reappointment process.

Atty. Fair said it wasn't clear to him that grandfathering was a consensus by all boards.

Mr. Brady said right now four employees do not fall under the three-year appointment. If this passes, at what point would it start?

Atty. Fair said it would have to start when the charter revisions become effective. The Board could establish a policy. He could include specific language that it would or would not apply to the individual currently holding the position.

Mr. Cadime noted that some individuals have contracts that stipulate the appointment. He recommended a blanket three-year appointment for all department heads once this is passed.

Mr. Abelson said that three-year contracts may not align. It could get complicated.

Mr. Sagar felt it wouldn't make a difference.

Mr. Abelson said that four members of the Planning Board want to see the planner be grandfathered in because he accepted the job without that being in place.

Mr. Andrade said that goes against everybody being the same.

Atty. Fair said the contract does not have to line up with the bargaining unit in terms of appointment.

Once passed, Mr. Abelson asked if these four department heads would get a three-year appointment and then have to go for reappointment.

If it came to a vote, Mr. Sagar said that would be his vote.

Mr. Paul Buckley, Chairman of the Board of Assessors, apologized for not being part of the process. He indicated Assessors met tonight and majority support it.

Mr. Barker said he has been mostly involved with this. Grandfathering is on the top of his list. He liked Mr. Cadime's suggestion that once passed put them in sync. At the Assessors meeting tonight, there was discussion that at some point between now and Town Meeting there is an appointment, recruitment and performance review process and what defines the day to day.

Mr. Sagar suggested that the term for these four department heads should begin on July 1, 2015.

Mr. Brady suggested it could be a side letter of memorandum between the union and the Town.

Mr. Cadime said the board/commission should each take a vote to appoint the individual for three years.

Atty. Fair said it should be clear the charter piece is first and foremost. It could be through special legislation – it should specify that it will take effect for all employees including incumbents.

September 24, 2014

-5-

Chairman Parker noted that Kopelman & Paige had indicated that once it goes through special legislation it would have to be that way in the future. That is why he doesn't favor that. All sections of the charter are different.

Atty. Fair was not sure about that.

Chairman Parker felt they don't need special legislation.

Atty. Fair said it could be a ballot component even with special legislation.

Chairman Parker felt the people of Seekonk should get to vote on this.

Atty. Fair said it has to be discussed with the union. He said the main difference between the two is that Chapter 43B requires 2/3 vote at Town Meeting. If it goes to the Attorney General and DACD it can be a ballot questions in three months.

Mr. Cadime suggested they forget about the special legislation and do it at Town Meeting and the election in April.

Chairman Parker asked if there is enough information for the warrant.

Mr. Sagar asked for a draft in two weeks.

Mr. Sagar noted that tentatively Assessors, Conservation, and the Board of Health are in agreement based on their representatives.

Chairman Parker suggested that the Planning Board might be once they have a meeting.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

VOTED: To submit the Charter on the warrant article for the Fall Town Meeting and a ballot question for the election in April.

The Board of Selectmen thanked the boards/commissions for their input.

Continued Discussion on the Poultry By-Law

Mr. Cadime noted that he sent the e-mail that he received from Ilana Quirk. She indicates the Town could adopt a zoning provision or could attempt to adopt a general bylaw provision to regulate the keeping of poultry in a residential non-commercial context. The Board took the proper route in sending to Planning.

Chairman Parker said Planning will have the same response if sent back. Planning is more in line with land use.

Mr. Abelson explained the Planning Board felt the animal control officer should set forth what she would enforce. They also thought it should be a town by-law.

Mr. Sagar said it is five acres automatically according to state law. He noted that Rehoboth is a right to farm community. He disagrees with the opinion from the Planning Board. They should write the zoning by-law. He asked if it could be referred back to Planning.

The consensus of the Board was to send it back to the Planning Board with the information from Ilana Quirk.

COMMUNITY SPEAKS

In response to Mr. Sagar's earlier question, Chief Mace advised that 2005 was the last time a person with Seekonk roots was hired for the Police Department. He commented that all hired have moved to Seekonk. That speaks to their dedication. A couple of officers are looking to move into Seekonk.

Mr. Sagar recognized the Chief's dedication to hire the most qualified.

NEW BUSINESS

Consider Appointment of Carl Nielson to Energy Committee

Mr. Cadime advised that he interviewed Mr. Nielson on Friday. He recommended the appointment. Mr. Nielson is on vacation and will come before the Board when he gets back.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

VOTED: To appoint Carl Nielson to the Energy Committee until June 30, 2017.

Appointment of Two Members to the Joint Sub Committee for Consolidation of Services

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To appoint Mr. Andrade and Mr. Brady to the Joint Subcommittee for consolidated services.

Mr. Brady abstained with respect to the vote for himself.

Consider the Approval of Regular Session Minutes of August 27, 2014 and September 10, 2014

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

September 24, 2014

-7-

VOTED: To accept the Regular Session minutes of August 27, 2014 and September 10, 2014.

OTHER BUSINESS

Discuss Other Topics Not Reasonably Anticipated by the Chairman 48 Hours Before the Meeting

None.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime noted that the ceremony for Fire Chief Michael Healy was well attended. He congratulated Chief Healy.

He advised that Friday, September 26, 2014, is the deadline for submission of warrant articles. It will be submitted to Kopelman & Paige for an initial legal review. There will be further discussion at the meeting of October 6. Any changes will be forwarded to Kopelman & Paige. The Board will vote on the warrant on October 20. Town Meeting is on November 17, 2014.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Mr. Sagar noted that he requested an agenda item in the next two weeks about potentially taking free cash and applying it to the tax rate. He hasn't had an opportunity to discuss it with Mr. Cadime. He has had preliminary discuss with Mr. Alexander and Mrs. Gabriel. He has preliminary numbers. He asked if it could still make the warrant, if necessary. An article in the Attleboro Sun Chronicle lists Seekonk as having the second lowest tax rate but the second highest unemployment rate. He had history on the amount of free cash generated over the past five years.

Mr. Cadime advised it will be on the next agenda.

Also, DPW will have a presentation on Anthony and Cole Streets and other traffic studies.

Mr. Sagar would like to have Mr. Lamoureux discuss rubbish complaints.

He said that Central Avenue is starting to ripple at 152 facing south. He asked that Mr. Lamoureux check that prior to the meeting. Also, the trench on County Street where the gas company put in lines.

Mr. Sagar felt the warrant article on the permanent building committee bylaw should come back the way it was sent up.

September 24, 2014

-8-

Also on the agenda for the next meeting, Mr. Sagar wanted a detailed report on the Banna Fire Station. He requested that be first on the agenda because he would like to have a representative from the architectural firm in attendance.

He noted that the Banna Fire Station Building Committee would like to get a sum of money not to exceed \$10,000 to complete technology. Chief Healy is working with MX for numbers.

He would like to talk about smaller containers for rubbish.

Mr. Cadime said that DPW is currently making a list of individuals who would require smaller ones and add those later.

Chairman Parker advised the Town Clerk's office had received at least twenty five calls. It was a matter of people reading the instructions.

Mr. Almeida stated that there seems to be a mix up with the sales tax at Longhorn Restaurant.

Chairman Parker said he spoke to the manager. The computers are set for 6.5% tax. It should be 7%. . He will check with them.

Mr. Cadime noted Longhorn will have to pay for it.

Mr. Almeida said trash bins are placed in driveways of vacant houses.

Mr. Brady said there should be a list of residents who have opt out.

Mr. Almeida stated that the traffic light at County Street and Fall River Avenue is out during the morning rush hour.

Mr. Cadime noted that Mass DOT has been out there. They need to troubleshoot the problem.

Mr. Almeida said he spoke to the Chairman and Vice-Chairman of the School Committee. It seems like certain sports events are charging admission and others are not.

Mr. Sagar noted the money goes to the Boosters Club; not to the school.

Mr. Sagar inquired about the light at the public safety complex.

Mr. Cadime advised it was a grant. Mr. Alexander is trying to locate the money because it was earmarked for Seekonk.

Mr. Cadime advised that he met with members of the CIC. He gave them binders with inventory lists and requests. They did not have a quorum in attendance.

September 24, 2014

-9-

In response to Chairman Parker's question, Mr. Cadime said he answered the letter regarding a grievance.

Mr. Sagar announced that the Kiwanis Club is sponsoring a 5K and 1.5 Walk on Sunday, September 28, 2014, starting at 12:30 p.m. at the Martin School. Pre-registration is \$25 and \$30 the day of the event.

Chairman Parker advised that any agenda items should go through the Chair; not the Executive Assistant.

He mentioned that two local businesses were asked to provide food during the presidential visit to Newport. It was an honor to be asked. He will get more information.

He asked about the criteria as to who would receive a commemorative plaque.

Mr. Cadime advised he is waiting to hear if he passed the test for procurement officer.

Chairman Parker noted the Town had an opportunity to share IT services with the School Department. The bill for 30% of the time is \$50,000. The cost for MX is \$30,000 for a total of \$80,000. He noted the Town is definitely not saving any money.

Mr. Cadime said he asked Mr. Alexander to watch the response time.

Chairman Parker said that Ms. Rogers did a good job on the program for Chief Healy's ceremony.

EXECUTIVE SESSION

At 7:59 p.m. Mr. Brady motioned, seconded by Mr. Sagar, to go into Executive Session to discuss contract for non-union personnel (Fire Chief) per M.G.L. Chapter 30A, Section 21(2) which the Chair has determined that any public discussion may be detrimental to the Town's bargaining position and to consider approval of Executive Session minutes of August 27, 2014 and September 10, 2014; followed by return to Open Session.

The vote: Mr. Brady – Aye; Mr. Sagar – Aye; Mr. Almeida – Aye; Mr. Andrade – Aye; Chairman Parker – Aye. He would not participate in contract negotiations.

The meeting reconvened at 8:12 p.m.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was

VOTED: 4 Ayes; To approve and execute the three-year contract with Fire Chief Michael Healy.

September 24, 2014

-10-

The vote: Mr. Sagar – Aye; Mr. Brady – Aye; Mr. Andrade – Aye; Vice-Chairman Almeida – Aye.

ADJOURNMENT

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was

VOTED: 4 Ayes; to adjourn 8:12 p.m.

The vote: Mr. Sagar – Aye; Mr. Brady – Aye; Mr. Andrade – Aye; Vic-Chairman Almeida – Aye.

Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary